K 1952.

File No. Leg II/52(N)

Legal Department
B **BRANCH**

Subject:— Notifications under the Land Acquisition Act, 1894.

P.6/C

File No. Leg II /52 (N)

Gen. 194 e.

435-B

Legal Department.

A revised draft Government Resolution is sent herewith.

The Government Resolution at page 49 ante as drafted by the Revenue Department would be inconsistent with the provisions of section 11 of the Land Acquisition Act, 1894 (Please see 36 Bombay 899 and 23 Bom. L.R. 779). The instructions should be so drafted as not to constitute the substitution of the decision of the Acquiring Officer by that of the Consulting Surveyor or Government. The sentence in the draft Government Resolution that the award should be submitted for approval to the Consulting Surveyor's department would not be correct.

Id./.... 4/4

Additional Secretary to Government

U.R. to R.D.No. 5144, dated the 4th April 1952.

SMR 3-7-52,
4 Copies

Legal Department.

The draft notification at page 21 as slightly amended is in order.

2 The Bombay Government would not now be competent to issue a notification under clause (c) of secton 3 of the Land Acquisition Act, 1894, as adapted by the Adaptation of Laws Order, 1950, to appoint any officer to perform the functions of a Collector under the Act in respect of lands acquired for the purposes of the Union. The Special Land Acquisition Officer now being appointed would be competent to perform the functions of a Collector in respect of lands acquired only for purposes other than for the purposes of the Union.

Id./..... 24/5

Additional Deputy Secretary to Govt.

U.R. to R.D.No. 8760, dated the 26th May 1952.

SER 3-7-56
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Legal Department.

A requisite draft notification appointing the Special Land Acquisition Officer, Kaira District, to perform the functions of a Collector under the Land Acquisition Act, 1894 within the limits of the Panch Mahals District in respect of lands acquired for the purposes of the Union is sent herewith. The Revenue Department may issue the same along with the draft notification on page 21 ante.

Id./.... 25/6
Addl. Deputy Secretary to Government.

U.R. to R.D.No. 10579 dated the 26th June 1952.

SMR 3-7-56
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NOTIFICATION.

Revenue Department.

Bombay Castle, June 1952.

No. :- In exercise of the powers of the Central Government under clause (c) of section 3 of the Land Acquisition Act, 1894(I of 1894), entrusted to the Government of Bombay by the Government of India, Ministry of Home Affairs, Notification, No. 123/50-Judl., dated the 24th March 1952, the Government of Bombay is pleased to appoint the Special Land Acquisition Officer, Kaira District, to perform the functions of a Collector under the said Act within the limits of the Panch Mahals District.

Land Acquisition Act, 1894.

By order of the Governor of Bombay,

Secretary to Government.

SM R 3-7-56
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Legal Department.

The statement made in the Revenue Department note on page 33 ante that the words along with ~~the~~ "appearing in this Department U.R.No. 10579, dated the 26th June 1952, appear to be mistaken for the words "in lieu of" is not correct. The proposal in these papers is to appoint the Special Land Acquisition Officer, Kaira District, to perform the functions of a Collector under the Land Acquisition Act, 1894, within the limits of the Panch Mahal District in respect of lands acquired for the purposes of this State as well as for the purposes of the Union. Whereas the notification at page 21 ante (in respect of land acquired for the purposes of the State) derives its authority from the provision of clause(c) read with clause (ee) of section 3 of the Act; the notification at page 31 ante (in respect of land acquired for the purposes of the Union) derives its authority from the delegation notification issued by the Government of India, Ministry of Home Affairs, No. 123/50-Judl. dated the 24th March 1952. The ~~t~~ two notifications are independent and are to be made use of according as the land proposed to be acquired is for the purposes of the State or for the purposes of the Union.

Id./..... 25/7

Additional Deputy Secretary to Govt.

U.R. to P.D., No. 12369, dated the 26th July 1952.

SMR 3-7-56
4 Copies.